

EXECUTIVE ORDER NO. 11- 16

WHEREAS, under chapter 89C of the Hawai'i Revised Statutes (HRS), the Governor has been granted the authority to make adjustments to the wages, hours, benefits, and other terms and conditions of employment for public officers and employees in the executive branch who are excluded from collective bargaining coverage; and

WHEREAS, for excluded employees who are civil service employees under the same classification systems as employees within collective bargaining units, chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, chapter 89C also requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are "at least equal to" the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer's jurisdiction; and

WHEREAS, chapter 89C provides that each appropriate authority shall determine the adjustments that are relevant for their respective excluded employees who are exempt from civil service in consideration of the compensation and benefit packages provided for other employees in comparable agencies; and

WHEREAS, on February 14, 2011, the State entered into the attached Settlement Agreement with the Hawai'i Government Employees Association (HGEA), as the exclusive representative for Bargaining Units (BUs) 2, 3, 4, 9 and 13; and

WHEREAS, the terms of the Settlement Agreement should also apply to civil service and exempt employees within the Executive Branch who are excluded from BUs 2, 3, 4, 9 and 13.

NOW, THEREFORE, I, Neil Abercrombie, Governor of Hawai'i, pursuant to my executive authority under Articles V and VII of the Constitution of the State of Hawai'i, the provisions of Chapters 37 and 89C, Hawai'i Revised Statutes, and all other applicable authority, do hereby grant to state executive branch civil service and exempt employees who are excluded from BUs 2, 3, 4, 9 and 13 the same terms as set forth in the attached February 14, 2011 Settlement Agreement applicable to the BUs 2, 3, 4, 9 and 13 employees.

IT IS FURTHER ORDERED, that although the terms of the Settlement Agreement do not apply to 89-day hire employees; effective on this day of this Executive Order, appointing authorities may discontinue the furloughs for those 89-day hire employees who are excluded from BUs 2, 3, 4, 9 and 13, who occupy positions that are similarly special/federal funded;

IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person;

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

The Director of Human Resources Development shall be responsible for the uniform administration of this Executive Order and is authorized to make any interpretations concerning the applicability of this Executive Order to State officers and

employees of the State government executive branch who are excluded from BUs 2, 3, 4, 9 and 13.

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 24th day of
March, 2011.


NEIL ABERCROMBIE
Governor

APPROVED AS TO FORM:



DAVID M. LOUIE
Attorney General

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 14th day of February, 2011, by and between the State of Hawai'i, Department of Human Resources Development, (hereinafter "Employer") and the Hawai'i Government Employees Association, Local 152 AFSCME, AFL-CIO, (hereinafter "Union"), collectively referred to as "Parties".

WHEREAS, the Parties' desire to resolve outstanding issues related to furloughs and the Hawai'i Employer-Union Health Benefits Trust Fund (EUTF); and

NOW THEREFORE, in the interest of the Parties to effect a full and final compromise and settlement of any and all matters, claims, and causes of action arising out of these unresolved issues, the Parties hereto mutually agree as follows:

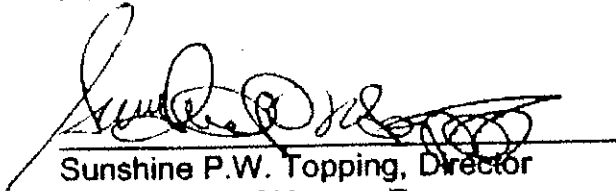
1. The State of Hawai'i Furlough Plan applicable to HGEA Executive Branch Bargaining Units 2, 3, 4, 9, and 13 employees shall be discontinued for those employees whose positions are one-hundred percent (100%) federal/special funded for the pay periods beginning April 1, 2011 and ending June 30, 2011.
2. The pay of employees who are covered by the terms of #1 above shall be restored back to reflect the salary schedule in effect on June 30, 2009.
3. The affected employees shall receive thirty-two (32) hours of compensatory time off (CTO) in return for the four furlough days applicable during the period February 1, 2011 – March 31, 2011.
4. CTO for less than full-time employees shall be prorated in accordance with their full-time equivalency.
5. The use of the CTO shall be in accordance with the applicable collective bargaining agreement.
6. The Parties agree to withdraw any and all unresolved furlough and EUTF related grievances, arbitrations, and/or litigations.
7. The Parties agree to continue efforts in attempting to resolve reduction in force related grievances, arbitrations, and/or litigations.
8. The Parties shall meet to jointly resolve unanticipated concerns related to the implementation of this Settlement Agreement.
9. The Parties agree that this Settlement Agreement shall be restricted in scope and application to the parameters of the instant issues, and shall

not be construed as precedent in any other grievance, dispute or future proceeding.

10. The Parties further agree that this Settlement Agreement does not apply to employees whose furloughs ended prior to the effective date of this Settlement Agreement.

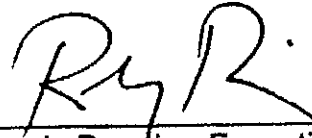
IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representatives, have executed this Settlement Agreement as of the date first written above.

FOR THE EMPLOYER:

A handwritten signature in black ink, appearing to read "Sunshine P.W. Topping", written over a horizontal line.

Sunshine P.W. Topping, Director
Department of Human Resources
Development

FOR THE UNION:

A handwritten signature in black ink, appearing to read "Randy Perreira", written over a horizontal line.

Randy Perreira, Executive Director
Hawai'i Government Employees
Association